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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,539

07/03/2003

John M. Curran

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,539

Applicant(s)

CURRAN, JOHN M.

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/11/06 & 4/3/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munday (US 4,653,782) in view of Lochridge (US 3,603,617), and further in view of O'Connor (US 2,779,375).

As is evident from the figures and col. 1, ll. 35 – col. 2, ll. 29, Munday discloses the claimed invention as set forth in claims 1-29, except for the retention means. Munday discloses a pipe repair clamp comprising two identical halves, gasket means (12) and securing means (10, 11) including nuts and bolts. Munday states that his

clamp can be used to join pipes of slightly varying external diameters. Munday employs washers on one end of the bolts (10) on one side of the lugs (6, 7). Lochridge teaches a pipe coupling assembly with securing means that includes nuts, washers and bolts. Lochridge employ washers (31, 32) on each end of the bolts as is known in order to better distribute the load at each end of the bolts. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Munday to employ an additional washer at the head end of the bolts as taught by Lochridge in order to better distribute the load at each end of the bolts.

Munday/Lochridge fail to teach that the washers are split lock washers, which act to effectively retain the bolts to the clamp halves. O'Connor teaches such a washer (see Figure 4 and col. 2, ll. 31-49); one that is used to temporarily retain bolts in an assembled relationship until they are finally joined in the finished product. O'Connor's split washer also permits lateral positioning of the washer on a bolt or screw. In view of O'Connor's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ split lock washers in Munday/Lochridge in order to temporarily retain the clamping bolts in an assembled relationship with the clamp halves until they are finally joined and to permit lateral positioning of the washers on the bolts.

As to claims 10 and 22, it would have been an obvious matter of design choice to make the washers square since it has been held that changing the shape of a device only involves routine skill in the art.

As to claim 11 and 23, it would have been an obvious matter of design choice to make the internal opening substantially polygonal since it has been held that changing the shape of a device only involves routine skill in the art.

Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munday (US 4,653,782) in view Lochridge (US 3,603,617) and O'Connor (US 2,779,375), and further in view of Crowther (US 1,874,462).

The combination of Munday, Lochridge and O'Connor fails to teach adhesion means for adhesion to the bolts. Crowther teaches securing a lock washer against a bolt head by means of an adhesive in order to effectively secure the washer in a fixed position upon the bolt. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Munday/Lochridge/O'Connor and secure the washers against the bolt heads via adhesive as taught by Crowther in order to effectively secure the washers in a fixed position upon the bolts.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

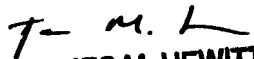
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
6/11/07


JAMES M. HEWITT
PRIMARY EXAMINER